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2                   **IN THE UNITED STATES DISTRICT COURT FOR THE**  
3                   **WESTERN DISTRICT OF MISSOURI**  
                  **SOUTHERN DIVISION**

4 **UNITED STATES OF AMERICA,**            ) **Case No. 19-03055-01-CR-S-MDH**  
                                                  )  
5                   **Plaintiff,**                ) **Springfield, Missouri**  
                                                  ) **April 24, 2019**  
6 **v.**                                                )  
                                                  )  
7 **JASON A. HAMANN,**                        )  
                                                  )  
8                   **Defendant.**                )  
                                                  )  
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10                   **TRANSCRIPT OF PRELIMINARY AND DETENTION HEARING**  
11                   **BEFORE THE HONORABLE DAVID P. RUSH**  
                  **UNITED STATES MAGISTRATE JUDGE**

12 **APPEARANCES:**

13 For the Plaintiff:                        Ms. Josephine L. Stockard  
                                                  Assistant United States Attorney  
14                                                901 St. Louis St., Ste. 500  
                                                  Springfield, MO 65806  
                                                  (417) 831-4406

15 For the Defendant:                        Ms. Ann M. Koszuth  
16                                                Federal Public Defender's Office  
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17                                                Springfield, MO 65806  
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1 (Court in Session at 2:07 p.m.)

2 THE COURT: Calling in *United States vs. Jason Hamann*.

3 The defendant appears in person along with his attorney, Ms. Ann  
4 Koszuth. The United States appears by Assistant United States  
5 Attorney, Ms. Jody Stockard. This matter is set this afternoon  
6 for a preliminary hearing and detention hearing in regard to the  
7 Criminal Complaint which was filed against this defendant on  
8 April 19<sup>th</sup>, 2019. On the preliminary hearing portion of the  
9 proceeding, the Court will take note of its own file, which  
10 includes the affidavit in support of the Criminal Complaint. Ms.  
11 Stockard, is your case agent planning on being here today?

12 MS. STOCKARD: Your Honor, we had a scheduling snafu and  
13 he is not -- thought today was -- or thought this was tomorrow,  
14 so he is across town. I did ask Ms. Koszuth if she was okay with  
15 proceeding without him and she said that she was.

16 MS. KOSZUTH: Your Honor, --

17 MS. STOCKARD: And I do apologize.

18 MS. KOSZUTH: Your Honor, I don't intend to challenge  
19 probable cause, just detention.

20 THE COURT: All right. Thank you. I just wanted to  
21 make a record in regard to that issue then. The Court will note  
22 that the affiant in the Complaint is not present today in the  
23 courtroom for these proceedings. With regard to the detention  
24 portion of the proceedings, the Court will take note of that same  
25 affidavit and also the information contained in the Pretrial

1 Services Report, a copy of which has been provided to both  
2 parties. The author of that report is Ms. Carrie Green, United  
3 States Probation Officer, and she is present in the courtroom for  
4 these proceedings. With that before the Court, Ms. Stockard, do  
5 you have any evidence by way of witness, testimony, or proffer  
6 that you'd like to present on either the issue of probable cause  
7 or detention? And then I'll entertain any argument you'd like to  
8 make.

9 MS. STOCKARD: No additional evidence other than what's  
10 in the affidavit. I would just note in the Pretrial Services  
11 Report Mr. Hamann's criminal history is outlined and it is fairly  
12 extensive. But I think I'd note he does have several drug  
13 distribution offenses in the past. So, when you're talking about  
14 somebody who is engaging more recently, and quite recently in  
15 drug distribution activity, I do think that he has been in and  
16 then continues to be a danger to the community in that regard.  
17 So, I would ask you to follow the recommendation of the Pretrial  
18 Services Report and detain him. Thank you.

19 THE COURT: All right. Thank you, Ms. Stockard. Ms.  
20 Koszuth, on behalf of the defendant, do you have anything that  
21 you'd like to present on either issue? I understand you  
22 indicated you weren't challenging at this time probable cause.  
23 But on the issue of probable cause and/or detention.

24 MS. KOSZUTH: Yes, Your Honor, just argument. Your  
25 Honor, I strongly disagree with the conclusions of the Pretrial

1 Services Report. I do believe that any risk of non-appearance or  
2 danger to the community can be mitigated quite satisfactorily by  
3 conditions that the Court can impose. When I look at the reasons  
4 that the Pretrial Services Report lists as reasons for detention,  
5 Your Honor, they do list the offense charged, but that would  
6 negate anyone ever getting bond for these types of offenses. He  
7 does have a substance abuse history and we are requesting  
8 treatment, and I'll address that in a few minutes. It lists  
9 aliases and false identification and I don't know that I can  
10 answer that because there is nothing in the report that I can  
11 find that lists that. He did have a counterfeiting conviction in  
12 this Court a while back. Perhaps that refers to that. Your  
13 Honor, as far as history of failure to appear, the only failure  
14 to appear I could find in his criminal history was a 1995  
15 disposition unknown. And, Your Honor, I would just state that a  
16 lot of times when we have those dispositions unknown they turn  
17 out to be either charge not filed or charge dismissed. There  
18 does not appear to be any conviction for failure to appear. And  
19 lack of verifiable employment, which again, I can address in a  
20 few minutes. It also talks about a charge of first-degree murder  
21 in 1997, which was over 20 years ago, which was dismissed. My  
22 client believes that is referring to a charge of conspiracy, not  
23 an actual murder. That again, was dismissed and again, over 20  
24 years ago. And so I don't think that something that's been  
25 dismissed should bear much weight in the Court's decision. While

1 he was on supervised release, although I believe that there were  
2 some violations and violation reports filed, he was -- doesn't  
3 appear that he was ever revoked. So, he has performed well on  
4 federal supervision. And so he would be compliant with the  
5 conditions that the Court would impose. Your Honor, as far as  
6 employment goes, my client does believe that he can get his old  
7 job back with Southern Missouri Containers. He does believe that  
8 that is something -- and that was a very good job where he was  
9 earning approximately \$30 an hour, and he would be able to  
10 support his family. He does have a family. He has very strong  
11 community ties and a very strong support system. His fiancée was  
12 supposed to be here but we believe she was detained. And so he's  
13 supporting his fiancée and his daughter and his fiancée's  
14 daughter who are both minors in the home. And his daughter  
15 especially he has full custody of. The mother is completely out  
16 of the picture. She's abandoned the child and he does support  
17 her. He doesn't have any convictions for crimes of violence,  
18 Your Honor. And, Your Honor, he has been on notice, if you will,  
19 of these charges since December of 2018, and he has not fled and  
20 he has not fled the jurisdiction or made any attempts to leave.  
21 Your Honor, he's had a sporadic history of drug treatment. And I  
22 would ask the Court to release him, but release him with the  
23 condition to satisfactorily complete an in-patient treatment  
24 program. He is asking for treatment. This isn't something that  
25 I just suggested as a way to get out of jail. This is something

1 he approached me with wanting to complete a treatment program, to  
2 make sure that he can be the provider for his family that he  
3 needs to be in the coming months. Because if he is convicted, he  
4 does realize that there will likely be a period of imprisonment  
5 and he would like to leave his family on the best footing that he  
6 can leave them on. But, Your Honor, I believe with his family  
7 support, if he can satisfactorily complete treatment, he can get  
8 his job back that he had previously. It's a very good job. And  
9 I think he can perform well on supervision. And I would ask for  
10 those reasons for you to consider a bond. And I did explain to  
11 him that if the Court is going to consider it, the Court would  
12 likely wait a few weeks to make sure that any drugs are out of  
13 his system before treatment because that would be the best recipe  
14 for success. Thank you.

15 THE COURT: All right. Thank you, Ms. Koszuth. Yeah.  
16 In reviewing -- in regard to the alias, it appears at the bottom  
17 of page 3 of the Pretrial Services Report there must have been  
18 something in a Presentence Investigation Report that indicates  
19 that the defendant has used the alias names of Ryan Lynn McCurter  
20 and Timothy A. Augenstein. That's the only reference that I see  
21 in the report. And I just point that out. That's the only place  
22 I saw any reference to alias or false identification. The Court  
23 is going to take the issue under advisement. And I know  
24 sometimes when I am going to definitely release someone to  
25 treatment and then bond, I will do that. I'm not saying or

1 tipping my hand that that's what I intend to do. I mean, the  
2 defendant does have multiple, as the Government has pointed out,  
3 multiple drug-trafficking offenses-felony and he does have, while  
4 there's not necessarily, as defense counsel pointed out,  
5 necessarily I don't think crimes of violence. He does have a lot  
6 of weapons offenses and/or charges. And I believe he does have a  
7 resisting an arrest for a felony. And I'm not saying that's a  
8 crime of violence. I'm just saying that there are -- the  
9 criminal history is extensive, Mr. Hamann. I mean, I'm not  
10 telling you anything you don't know. And so the Court is leaning  
11 clearly towards finding that you are a danger to the community.  
12 But I'm going to take the matter under advisement and give it a  
13 little more thought. It's just, like I said, you have weapons  
14 offenses and you have felony drug-trafficking offenses. And then  
15 you're charged with very serious charges that are set forth in  
16 the Complaint. And the facts in the Complaint obviously are  
17 troubling to the Court. But I will take it under advisement and  
18 then I'll render a decision. Either I'll issue a written  
19 opinion, order that you be detained, or I'll take it up and set a  
20 status conference. But Ms. Koszuth is right. If I were inclined  
21 to send you to treatment, it would only be after you had had a  
22 period of drying out. I don't feel that that -- you wouldn't  
23 benefit from the 30 days or 28 days of treatment if you're  
24 spending half that time going through detox. So, I'll take it  
25 under advisement. Is there anything further from either side?

1 MR. SUTTON: No, Your Honor.

2 MS. KOSZUTH: No, Your Honor.

3 THE COURT: All right. Thank you. With that, we'll be  
4 in recess.

5 (Court Adjourned at 2:17 p.m.)  
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4 I certify that the foregoing is a correct transcript  
5 from the electronic sound recording of the proceeding in the  
6 above-entitled matter.

7  
8 /s/ Lissa C. Whittaker  
Signature of transcriber

May 16, 2019  
Date